

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 231047

Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-305-04, Home Occupation, and enacting in lieu thereof a new section of like number and subject matter for the purpose of compliance with state law; by repealing Section 88-205-07 Documentation of Overlays, and enacting in lieu thereof a new section of like number and subject matter for the purpose of documenting the recently-adopted Westport Overlay District; by enacting Section 88-327, Communication Services Establishments to provide standards for said uses; and by repealing Section 88-110-03 Table 110-1 (Residential Districts Use Table), Section 88-120-03 Table 120-1 (Business Districts Use Table), and Section 88-130-03 Table 130-1 (Downtown Districts Use Table) and enacting in lieu thereof new tables in each section for the purposes of referencing the use standards of 88-327; by repealing Section 88-516-06-A Major Amendments to Development Plans or Project Plans, and enacting in lieu thereof a new section of like number and subject matter for the purpose of reducing the number of major amendments required. (CD-CPC-2023-00106)

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-305-04, Home Occupation, and enacting in lieu thereof a new section of like number and subject matter, said section to read as follows:

88-305-04 HOME OCCUPATION

~~88-305-04-A.—General~~ GENERAL

~~Home occupations are accessory uses~~ Home occupations are accessory uses to uses in the household living category. The regulations of this section are primarily intended to ensure that ~~home occupations~~ home occupations in R zoning districts will not be a detriment to the character ~~and~~ livability, ~~and safety~~ of the surrounding residential neighborhood. The regulations are also intended to ensure that the home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations also recognize that many types of work can be done in a home with little or no effect on the surrounding neighborhood.

~~88-305-04-B.—Applicability~~ APPLICABILITY

Home occupations are allowed in R districts only if they comply with all ~~of~~ the standards of this section.

~~88-305-04-C.—Exemptions~~ EXEMPTIONS

~~1.~~ **1. HOME-BASED DAY CARE**

Home-based day care facilities are not regulated as ~~home occupations~~ home occupations and are exempt from the regulations of this section.

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~~2.~~ 2. BED AND BREAKFAST

Bed and breakfast ~~uses~~uses are not regulated as ~~home occupations~~home occupations and are exempt from the regulations of this section.

~~88-305-04-D. — Standards~~ STANDARDS

~~A dwelling unit~~A dwelling unit or accessory building may be used for one or more home occupations subject to compliance with all of the following minimum standards:

1. The home occupation must be accessory and secondary to the use of a dwelling unit for residential purposes, and the home occupation must not change the residential character of the ~~residential building~~residential building or adversely affect the character of the surrounding neighborhood.
- ~~2. All employees must reside in the dwelling unit in which the home occupation is located.~~
- ~~3. No more than two clients shall be present at any time and must be present by appointment only.~~
- ~~4. No separate entrance from the outside of the building may be added to the residential building for the sole use of the home occupation.~~
- ~~5. There may be no internal or external structural alterations or construction, nor the installation of any equipment that would change the residential character of the property upon which the home occupation is located. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, and the addition of commercial like exterior lighting.~~
- ~~1.2.~~ 2. The home occupation and all related activities, ~~including storage, must be conducted completely~~ shall be permitted within ~~the dwelling unit~~any dwelling unit and accessory building on the site as well as any yard not visible from the street.
- ~~1.3.~~ 3. No home occupation may produce or emit any noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, humidity, glare, or any other effect that unreasonably interferes with any person's enjoyment of their residence.
- ~~1.4.~~ 4. Hazardous substances are prohibited, except that consumer quantities are allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.
- ~~1.5.~~ 5. One non-illuminated wall sign, not exceeding 80 square inches in area may be displayed.

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~~2. The following uses are expressly prohibited as or in conjunction with home occupations:~~

~~a. any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motoreycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts;~~

~~b. dispatch centers or other businesses where employees come to the site and are dispatched to other locations;~~

~~c. animal grooming, care or boarding;~~

~~d. retail sales.~~

Section 2. Amending Chapter 88, the Zoning and Development Code by repealing Section 88-205-07 Documentation of Overlays, and enacting in lieu thereof a new section of like number and subject matter, said section to read as follows:

88-205-07—DOCUMENTATION OF OVERLAYS

88-205-07-A. Once an overlay district is approved by the city council, the city planning and development department must amend the official zoning maps to identify the overlay district boundaries and designation, together with the underlying zoning designation.

88-205-07-B. The city planning and development department must maintain a list of established overlay districts by type.

88-205-07-C.

Zoning Map	District Name
Symbol	
CXO	Adult Entertainment Overlay
HO	Historic Overlay
NCO	Neighborhood Character Overlay
PO	Pedestrian-Oriented Overlay
Zoning Map	Special Character District Name
Symbol	
ICO	Independence Corridor Overlay
MCO	Main Corridor Overlay
PBO	Plaza Bowl Overlay
TCO	Troost Corridor Overlay
WHO	Wornall Homestead Overlay
<u>WOD</u>	<u>Westport Overlay District</u>

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Section 3. Amending Chapter 88, the Zoning and Development Code, by enacting a new section, said section to be titled Section 88-327-~~Communication~~, Communications Service Establishments, and repealing Sections 88-110-03, Table 110-1; 88-120-03, Table 120-1; 88-130-03, Table 130-1 and enacting in lieu thereof new sections and tables of like number and subject matter, said sections to read as follows:

Table Residential	Districts										Use	110-1 Table
USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT										Use Standards	
Use Category » specific use type	R-80	R-10	R-7.5	R-6	R-5	R-2.5	R-1.5	R-0.75	R-0.5	R-0.3		
RESIDENTIAL												
Household Living	P	P	P	P	P	P	P	P	P	P	88-110-06-C & 88-323	
Group Living (except as noted below)	-	-	-	-	-	-	S	S	S	S	88-350	
» Group homes	-	-	-	-	-	-	P	P	P	P	88-350	
» Nursing home	S	S	S	S	S	S	P	P	P	P	88-350	
PUBLIC/CIVIC												
Bicycle-Sharing Facilities	P	P	P	P	P	P	P	P	P	P	88-322	
Club, Lodge, or Fraternal Organization	-	-	-	-	-	-	P	P	P	P		
College/University	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365	
Day Care												

» Home-based (1—5)	P	P	P	P	P	P	P	P	P	P	
» Family (up to 10)	P	P	P	P	P	P	P	P	P	P	88-330-01
» Group (up to 20)	P	S	S	S	S	S	P	P	P	P	88-330-02
» Center (21+)	P	-	-	-	-	-	-	-	-	-	88-330-02
Detention and Correctional Facilities	S[1]	-	-	-	-	-	-	-	-	-	88-335
Halfway House	S	-	-	-	-	-	-	-	-	-	88-352
Hospital	-	-	-	-	-	-	-	-	S	S	
Library/Museum/Cultural Exhibit	P/S	-	-	-	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Park/Recreation	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
» Homes Association Amenities	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-805-03-H
Religious Assembly	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Safety Service (except as noted below)	S	S	S	S	S	S	S	S	S	S	88-365
» Fire station	P	P	P	P	P	P	P	P	P	P	88-365
» Police station	P	P	P	P	P	P	P	P	P	P	88-365
School	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	88-365
Utilities and Services (except as noted below)	S[1]	S	S	S	S	S	S	S	S	S	
» Basic, minor	P	P	P	P	P	P	P	P	P	P	88-425-08-B

COMMERCIAL											
Animal Service											
» Shelter or boarding	P	-	-	-	-	-	-	-	-	-	88-315
» Stable	P	-	-	-	-	-	-	-	-	-	88-315
» Veterinary Office	P	-	-	-	-	-	-	-	-	-	
<u>Communications Service Establishments</u>	<u>P/S</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>88-327</u>
Entertainment Venues and Spectator Sports	S	-	-	-	-	-	-	-	-	-	
Funeral and Interment Service											
» Cemetery/columbarium/mausoleum	S	S	S	S	S	S	S	S	S	S	88-345
» Crematory	S	S	S	S	S	S	S	S	S	S	88-345
» Undertaking	-	-	-	-	-	-	-	-	S	S	
Lodging											
» Bed and breakfast	S	-	-	S	S	S	S	S	S	S	88-320
» Recreational vehicle park	S[1]	-	-	-	-	-	-	-	-	-	
» Short term rental, non resident	Not permitted.										
» Short term rental, resident	Permitted in all R Districts in accordance with Chapter 56 and 88-321.										
Neighborhood-serving retail	S	S	S	S	S	S	S	S	S	S	88-360
Office, Administrative,	-	-	-	-	-	-	S	S	S	S	

Professional or General												
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	S	S	S	S	S		
Sports and Recreation, Participant	S	-	-	-	-	-	-	-	-	-		
INDUSTRIAL												
Mining and Quarrying	S[2 1]	-	-	-	-	-	-	-	-	-		
Waste-Related Use (except as noted below)	-	-	-	-	-	-	-	-	-	-		
» Composting facility	S[1]	-	-	-	-	-	-	-	-	-	88-328	
» Demolition debris landfill	S[1]	-	-	-	-	-	-	-	-	-	88-380	
OTHER												
Agriculture, Animal	P/*	P/*	P/*	P/*	P/* *	P/*	P/*	P/*	P/*	P/*	* Chapter 14	
Agriculture, Crop	P	P/S	P/S	P/S	P/ S	P/S	P/S	P/S	P/S	P/S	88-312-01	
Agricultural, Urban												
» Home Garden	P	P	P	P	P	P	P	P	P	P	88-312-02-A	
» Community Garden	P	P	P	P	P	P	P	P	P	P	88-312-02-B	
» Community Supported Agriculture	P	S	S	S	S	S	S	S	S	S	88-312-02-C	

(CSA)												
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ACCESSORY SERVICES											
Wireless Communication Facility											
» Freestanding	P	-	-	-	-	-	-	-	-	-	88-385
» Co-located antenna	P	P	P	P	P	P	P	P	P	P	88-385

Table 120-1 Office, Business, and Commercial Districts Use Table						
USE GROUP (refer to 88-805 Use Groups and Categories)	ZONING DISTRICT					Use Standards
Use » specific use type	Category	O	B1	B2	B3	B4
RESIDENTIAL						
Household Living						
» Detached houses	P	P	P	P	P	88-120-03-H.3
» In any other residential building type	-	P	P	P	P	88-323
» In mixed-use building	P	P	P	P	P	
Group Living	P	P	P	P	P[5]	
PUBLIC/CIVIC						
Bicycle Sharing Facilities	P	P	P	P	P	88-322

Club, Lodge, or Fraternal Organization	P	P	P	P	P[5 for Ground Floor Uses]	
College/University	P	P	P	P	P[5 for Ground Floor Uses]	
Day Care						
» Home-based (1—5)	P	P	P	P	P[5 for Ground Floor Uses]	
» Family (up to 10)	P	P	P	P	P[5 for Ground Floor Uses]	
» Group (up to 20)	P	P	P	P	P[5 for Ground Floor Uses]	
» Center (21+)	P	P	P	P	P[5 for Ground Floor Uses]	
Hospital	S	P	P	P	P[5 for Ground Floor Uses]	
Library/Museum/Cultural Exhibit	P	P	P	P	P	

Park/Recreation	P	P	P	P	P	
Religious Assembly	P	P	P	P	P	
Safety Service						
» Fire station	P	P	P	P	P[4]	
» Police station	P	P	P	P	P	
» Ambulance service	S	S	S	P	P[4]	
School	P	P	P	P	P[5 for Ground Floor Uses]	
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	S[1]	S[1][5]	
» Basic, minor	P	P	P	P	P	88-425- 08-B
COMMERCIAL						
Adult Business						
» Adult media store	-	-	P[1]	P[1]	P[1][4]	88-310- 03
» Adult motion picture theater	-	-	-	P[1]	P[1][4]	88-310- 02
» Sex shop	-	-	-	P[1]	P[1][4]	88-310- 02

Animal Service						
» Sales and grooming	-	P	P	P	P	88-315
» Shelter or boarding	-	-	P	P	P[4]	88-315
» Stable	-	-	-	-	S[4]	88-315
» Veterinary	-	-	P	P	P[5 for Ground Floor Uses]	88-315
Artist Work or Sales Space	-	P	P	P	P	
Building Maintenance Service	-	-	-	P	P[5]	
Business Equipment Sales and Service	-	-	P	P	P	
Business Support Service (except as noted below)	-	-	P	P	P[5]	
» Day labor employment agency	-	-	-	-	S[1][4]	88-331
Communication Service Establishments	P/S	-P/S	P/S	P/S	P/S [5]	88-327
Drive-Through Facility	-	-	P[2]	P[2]	P[2]	88-338 and 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	P	P	

» Tavern or nightclub	-	-	P	P	P	
Entertainment Venues and Spectator Sports						
» Indoor small venue (1—149 capacity)	-	-	P	P	P[5 for Ground Floor Uses]	
» Indoor medium venue (150—499 capacity)	-	-	S	P	P[5 for Ground Floor Uses]	
» Indoor large venue (500+ capacity)	-	-	-	S	P[5 for Ground Floor Uses]	
» Outdoor (all sizes)	-	-	-	S	P[5]	
Financial Services (except as noted below)	S	P	P	P	P	
» Pawn shop	-	P	P	P	P	
» Short-term loan establishment	-	-	P[1]	P[1]	P[1][4]	88-325
Food and Beverage Retail Sales	-	P	P	P	P	
Funeral and Interment Service						
» Cemetery/columbarium/mausole	S	S	S	S	S	88-345

um						
» Cremating	-	S	S	S	S	88-345-02
» Undertaking	-	S	P	P	P[5]	88-345
Gasoline and Fuel Sales	-	S[3]	S[3]	S[3]	P[3][5]	88-323
Lodging						
» Bed and Breakfast	-	P	P	P	P[5 for Ground Floor Uses]	88-320
» Hotel/motel	-	-	-	P[2]	P[2]	88-323
» Recreational vehicle park	-	-	-	S[1]	S[1][4]	
» Short term rental, non resident	-	P	P	P	P	Chapter 56
» Short term rental, resident	-	P	P	P	P	Chapter 56
Mobile Vendor Park	-	-	-	P	P	88-358
Office, Administrative, Professional or General	P	P	P	P	P[5 for Ground Floor Uses]	
Office, Medical	P	P	P	P	P[5 for Ground Floor Uses]	

» Blood/plasma center	-	-	-	S	S	
Parking, Accessory	P	P	P	P	P	88-323
Parking, Non-accessory	-	-	S[1]	P[1]	P[1]	
Personal Improvement Service	P	P	P	P	P	
Repair or Laundry Service, Consumer	-	P	P	P	P	
Research Service	P	P	P	P	P[5 for Ground Floor Uses]	
Retail Sales	-	P	P	P	P	
» Outdoor Retail Sales - Class A	-	P	P	P	P	88-366-01
» Outdoor Retail Sales - Class B	-	-	-	P	P[4]	88-366-02
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	S	S	
Sports and Recreation, Participant						
» Indoor	-	P	P	P	P[5 for Ground Floor Uses]	

» Outdoor	-	-	-	P	P[5 for Ground Floor Uses]	
Vehicle Sales and Service						
» Car wash/cleaning service	-	-	S[1]	P[1]	P[1][5, if not within a parking structure]	
» Heavy equipment sales/rental	-	-	-	S[1]	P[1][4]	
» Light equipment sales/rental (indoor)	-	-	P[2]	P[2]	P[2]	88-323
» Light equipment sales/rental (outdoor)	-	-	S[1]	S[1]	P[1][5, if not within a parking structure]	
» Motor vehicle repair, limited	-	-	S[2]	P[2]	P[2][5]	88-323
» Motor vehicle repair, general	-	-	-	S[2]	P[2][5]	88-323
» Vehicle storage/towing	-	-	-	-	P[1][4]	88-375
INDUSTRIAL						
Manufacturing, Production and Industrial Service						
» Artisan	-	P/S	P	P	P	88-318

» Limited	-	-	-	-	S[4]	
» General	-	-	-	-	S[2][4]	88-323
» Intensive	-	-	-	-		
Recycling Service						
» Limited	-	-	-	-	S[1][4]	
Self-Storage Warehouse	-	-	-	-	P[2][4]	88-323 , 88-369
Warehousing, Wholesaling, Storage, Freight Movement						
» Indoor	-	-	-	-	P[2][4]	88-323 , 88-378
» Outdoor	-	-	-	-	-	88-378
AGRICULTURAL						
Agriculture, Animal	P/*	P/*	P/*	P/*	P/*[4]	*Chapter 14
Agriculture, Crop	P	P	P	P	P[4]	88-312-01
Agriculture, Urban						
» Home Garden	P	P	P	P	P	88-312-02-A
» Community Garden	P	P	P	P	P[4]	88-312-02-B

» Community Agriculture (CSA)	Supported	P	P	P	P	P[4]	88-312-02-C
ACCESSORY SERVICES							
Wireless Communication Facility							
» Freestanding		-	-	P[1]	P[1]	P[1][4]	88-385
» Co-located antenna		P	P	P	P	P[5]	88-385

Table Downtown					Districts	Use			130-1 Table
USE GROUP (refer to 88-805 Use Groups and Categories)		Zoning District			Use Standards				
Use Category » specific use type		DC	DX	DR					
RESIDENTIAL									
Household Living									
» Single-family home		P	P	P					
» In single-purpose residential building		P	P	P	88-323				
» In mixed-use building		P	P	P					
Group Living		S	S	S					
PUBLIC/CIVIC									
Bicycle Sharing Facilities		P	P	P	88-322				

Club, Lodge, or Fraternal Organization	P	P	P	
Table 130-1 Downtown Districts Use Table	P	P	P	
Day Care				
» Home-based (1—5)	P	P	P	
» Family (up to 10)	P	P	P	
» Group (up to 20)	P	P	S	
» Center (21+)	P	P	S	
Hospital	S	S	S	
Library/Museum/Cultural Exhibit	P	P	P	
Park/Recreation (except as noted below)	P	P	P	
» Community center	P	P	P/S	88-365
Religious Assembly	P	P	P	
Safety Service				
» Fire Station	P	P	P	88-365
» Police Station	P	P	P	88-365
» Ambulance service	P	P	P	88-365
School	P	P	P/S	88-365
Utilities and Services (except as noted below)	S[1]	S[1]	S[1]	
» Basic, minor	P	P	P	88-425-08-B

COMMERCIAL				
Adult Business				
» Adult media store	P[1]	P[1]	-	88-310-03
» Adult motion picture theater	P[1]	P[1]	-	88-310-02
» Sex shop	P[1]	P[1]	-	88-310-02
Animal Service				
» Sales and grooming	P	P	S	88-315
» Shelter or boarding	P	P	-	88-315
» Stable	-	S	-	88-315
» Veterinary	P	P	S	88-315
Artist Work or Sales Space	P	P	P	
Building Maintenance Service	P	P	-	
Business Equipment Sales and Service	P	P	-	
Business Support Service (except as noted below)	P	P	-	
» Day labor employment agency	-	S[1]	-	
Communications Service Establishments	<u>P/S</u>	<u>P/S</u>	<u>-P/S</u>	<u>88-327</u>
Drive-Through Facility	S[2]	S[2]	-	88-338 & 88-340
Eating and Drinking Establishments (except as noted below)	P	P	P	

» Tavern or nightclub	P	P	S	
Entertainment Venues and Spectator Sports				
» Indoor small venue (1—149 capacity)	P	P	S	
» Indoor medium venue (150—499 capacity)	P	P	S	
» Indoor large venue (500+ capacity)	S	S	S	
» Outdoor (all sizes)	S	S	S	
Financial Services (except as noted below)	P	P	P	
» Pawn shop	-	S[1]	-	
» Short-term loan establishment	-	P[1]	-	88-325
Food and Beverage Retail Sales	P	P	P	
Funeral and Interment Service				
» Cemetery/columbarium/mausoleum	-	-	-	
» Cremating	-	-	-	
» Undertaking	P[2]	P[2]	-	88-345
Gasoline and Fuel Sales	S[3]	S[3]	-	88-323
Lodging				
» Bed and Breakfast	P	P	P	
» Hotel/motel	P[2]	P[2]	S[2]	88-323

» Short term rental, non-resident	P	P	P	Chapter 56
» Short term rental, resident	P	P	P	Chapter 56
Mobile Vendor Park	P	P	-	88-358
Office, Administrative, Professional or General	P	P	P	
Office, Medical	P	P	P	
» Blood/plasma center	S	S	-	
Parking, Accessory	P	P	P	88-323
Parking, Non-accessory	S[1]	S[1]	S[1]	
Personal Improvement Service	P	P	P	
Repair or Laundry Service, Consumer	P	P	S	
Research Service	P	P	S	
Retail Sales	P	P	P	
» Outdoor Retail Sales - Class A	P	P	P	88-366-01
Reuse of officially designated historic landmark (local or national) if proposed use is not permitted	S	S	S	
Sports and Recreation, Participant				
» Indoor	P	P	S	
» Outdoor	S	S	S	
Vehicle Sales and Service				

» Car wash/cleaning service	S[1]	S[1]	-	
» Heavy equipment sales/rental	-	S[1]	-	
» Light equipment sales/rental (indoor)	S[2]	S[2]	-	88-323
» Light equipment sales/rental (outdoor)	S[1]	S[1]	-	
» Motor vehicle repair, limited	S[2]	S[2]	-	88-323
» Motor vehicle repair, general	-	S[2]	-	88-323
» Vehicle storage/towing	-	S[1]	-	88-375
INDUSTRIAL				
Manufacturing, Production and Industrial Service				
» Artisan	P	P	P/S	88-318
» Limited	S	S	S	
» General	S	S[2]	-	88-323
Recycling Service				
» Limited	-	S[1]	-	
Self-Storage Warehouse	-	S[2]	-	88-323 88-369
Warehousing, Wholesaling, Storage, and Freight Movement				
» Indoor	S[2]	S[2]	—	88-323 88-378
» Outdoor		S[2]	-	88-323 88-378
AGRICULTURAL				

Agriculture, Animal	-	P/*	-	Chapter 14
Agriculture, Crop	P	P	P	88-312-01
Agriculture, Urban				
» Home Garden	P	P	P	88-312-02-A
» Community Garden	P	P	P	88-312-02-B
» Community Supported Agriculture (CSA)	P	P	P	88-312-02-C
ACCESSORY				
Wireless Communication Facility				
» Freestanding	-	-	-	
» Co-located antenna	P	P	P	88-385

88-327 COMMUNICATIONS SERVICE ESTABLISHMENTS

88-327-01 PURPOSE AND APPLICABILITY

The purpose of these standards is to permit communications service establishments in more districts due to their limited impact on adjacent properties while also acknowledging that such uses may negatively impact pedestrian-oriented areas of the city due to the relative lack of pedestrian traffic they generate. These standards allow the uses in more districts when the impact is minimized.

88-327-02 IN DISTRICT R-80

Communications service establishments shall not exceed 50,000 square feet in floor area unless approved by special use permit in accordance with 88-525.

88-327-03 IN B & D DISTRICTS

1. Communications service establishments shall not occupy the ground floor of any building with street frontage. For the purposes of this section, a building with street frontage is any building located within 50 feet of a street right-of-way line.
2. Communications service establishments shall not exceed 100,000 square feet in floor area unless approved by special use permit in accordance with 88-525.

Section 4. Amending Chapter 88, the Zoning and Development Code, by repealing Section 88-516-06-A Major Amendments to Development Plans and/or Project Plans, and

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enacting in lieu thereof a new section of like number and subject matter, said section to read as follows:

88-516-06 - AMENDMENTS TO DEVELOPMENT PLANS OR PROJECT PLANS

88-516-06-A. — MAJOR AMENDMENTS

1. Major amendments to approved development plans or project plans must be reviewed and approved in accordance with the development plan or project plan review procedures of this ordinance. Major amendments to development plans or project plans include one or more changes, in cumulative total (when compared to the original plan approval), that would:

a. increase building coverage by more than 10%;

~~b.a.~~ increase the total floor area by more than 10% ~~or 5,000 square feet, whichever is less; or;~~

~~e.a.~~ increase building height by more than 10% ~~or 6 feet, whichever is less;~~

~~d.b.~~ increase the total impervious surface coverage by more than 10% ~~or 2,000 square feet, whichever is less;~~

~~e.c.~~ result in extensive site modification involving location of buildings, razing, and reconstruction of approved uses;

~~f.d.~~ increase the number of dwelling units by more than 10%; or

~~g.e.~~ result in any other change that the city planning and development director determines will have impacts that warrant full review of the application in accordance with the development plan review procedures.

88-516-06-B. — MINOR AMENDMENTS

Any application for an amendment to an approved development plan or project plan that does not meet the criteria for a major amendment will be considered a minor amendment. Minor amendments may be approved by the city planning and development director. A minor amendment may include a change in an approved phasing plan.

88-516-06-C. PLAN AMENDMENT — MULTIPLE OWNERS

1. In the case of a plan amendment with multiple owners, a single property owner may initiate the application to amend the plan if:
- ~~1.2.~~ The amendment to the plan does not adversely affect the remaining parcels within the plan boundaries as to density, parking, setbacks, or other similar factors as provided in the rules and regulations of the city plan commission; and
- ~~2.3.~~ The applicant property owner has notified all other property owners within the plan boundaries, in the form and manner adopted by the city plan commission and by certified

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mail, and has received no written objection to such amendment within 30 days after the date such notice is mailed.

Section 5. That the Council finds and declares before taking any action on the proposed amendment hereinabove, all public notices and hearings required by law have been given and had.

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I hereby certify that as required by Chapter 88, Code of Ordinances, the forgoing ordinance was duly advertised and public hearings were held.

Joseph Rexwinkle, AICP
Secretary, City Plan Commission

Approved as to form:

Sarah Baxter
Senior Assistant City Attorney